

Docket No. 3014.04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE APPLICATION OF:

APPLICANT : BRENT K. MCCURDY ET AL.

SERIAL NO. : 10/780,719 ART UNIT : 1723

FILED : 02/19/04 EXAMINER : CHARLES E. COOLEY

FOR : APPARATUS FOR DISSOLVING A SOLID MATERIAL IN A LIQUID

THE HONORABLE COMMISSIONER OF PATENTS AND TRADEMARKS

WASHINGTON, D.C. 20231

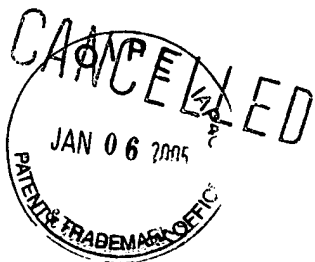
Sir:

AMENDED DRAWINGS

In the Office Action, dated 10/4/05, regarding the above-captioned application, the Examiner requested changes to the drawings, i.e., the addition of legends. Two copies of a drawing sheet bearing amended FIG. 1 believed to incorporate the required changes are submitted herewith with one copy having the changes circled in red. It is not believed that new matter has been added to the application in making the changes.

Respectfully submitted,

Stephen R. Greiner
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on January 4, 2006.

Stephen R. Greiner
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Claim 6 is directed toward an apparatus for dissolving a solid material in a liquid. The claimed apparatus calls for: means for stirring a liquid in a container until the turbidity thereof, as measured by a turbidimeter, reaches a predetermined level. The result is an apparatus that automatically dissolves as much of a solid material in a liquid as a user may desire.

The sludge digestion apparatus of McDowell differs in concept from Applicant's apparatus in that stirring occurs on a timed basis and not in response to turbidity. McDowell makes this point abundantly clear at column 8, lines 29-36, and in Fig. 2 at 134 and 136. In any event, McDowell fails to teach means for stirring a liquid in a container until the turbidity thereof, as measured by a turbidimeter, reaches a predetermined level as is claimed by the applicant. Thus, McDowell fails to meet a critical limitation of claim 1.

Claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over McDowell (U.S. Pat. No. 6,869,534) in view of Yagi et al. (U.S. Pat. No. 3,680,841). A careful review of McDowell and Yagi et al. indicates that such do not provide a legitimate basis for the rejection of claim 7. Accordingly, the Examiner is asked to reconsider claim 7.

Assuming, for the sake of argument, that some teaching exists in Yagi et al. to support its combination with McDowell, the resulting combination lacks a critical feature of the claimed invention, namely means for stirring a liquid in a container until the turbidity thereof, as measured by a turbidimeter, reaches a predetermined level. Neither McDowell, as noted above, nor Yagi et al., cited to illustrate a particular sort of turbidimeter, whether considered alone or in combination, suggest such means. Thus, because the proposed combination of McDowell and Yagi et al. fails to show a critical limitation of claim 7, the rejection thereof must fail.

Claim 1 was rejected under 35 U.S.C. § 103(a) as being unpatentable over McDowell (U.S. Pat. No. 6,869,534) in view of Blagg (U.S. Pat. No. 5,951,161). A careful review of McDowell, whose inability to stir in response to varying turbidity levels was discussed above,

and Blagg indicates that such do not provide a legitimate basis for rejection of claim 1. Accordingly, the Examiner is asked to reconsider claim 1.

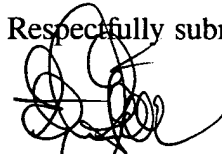
In rejecting claim 1, the Examiner contends that the sensor 72 of McDowell that stops flow into container 1 when the liquid level gets too high can be replaced by a valve assembly that admits liquid into container 1 when the liquid level drops as suggested by Blagg. McDowell, however, indicates in method step 140 that the liquid level in container 1 drops when dense material is withdrawn from the bottom of container 1 so that the digestion process can be restarted with feed wastewater being admitted into container 1 for a predetermined period of stirring. Admitting liquid into container 1 while the liquid level in container 1 is dropping, in accordance with Blagg, not only dilutes the dense material being withdrawn from container 1 but also undesirably contaminates the processed, dense material with untreated wastewater. Since the valve assembly of Blagg is clearly incompatible with the apparatus of McDowell, it is respectfully submitted that one of ordinary skill in the art would not have made the combination of McDowell and Blagg suggested by the Examiner.

Claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over McDowell (U.S. Pat. No. 6,869,534) in view of Blagg (U.S. Pat. No. 5,951,161) and further in view of Baldelli (U.S. Patent No. 4,653,568). A careful review of McDowell, whose inability to stir in response to varying turbidity levels was discussed above, and Blagg, whose incompatibility with McDowell was discussed above, and Baldelli indicates that such do not provide a legitimate basis for rejection of claim 2. Simply stated, the combination of McDowell and Blagg fails to provide several critical features of the claimed apparatus, and Baldelli, showing merely a light source, fails to compensate for the shortcomings of the combination of McDowell and Blagg. Accordingly, the Examiner is asked to reconsider claim 2.

The Examiner requested that suitable descriptive and concise legends be provided to the drawings to label several depicted elements. A proposed change to FIG. 1 is submitted herewith. Proposed changes are shown circled in red in one of two identical drawing sheets submitted herewith.

Accordingly, it is respectfully submitted that this application is in condition to be passed to issue. If such is not determined to be the case, however, the Examiner is respectfully requested to call the undersigned attorney at the number given below in an effort to satisfactorily conclude the prosecution of this application.

Respectfully submitted,



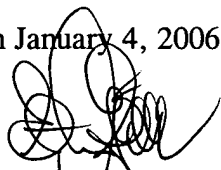
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